

INTERNATIONAL SEARCH REPORT

International Application No
PCT/US2005/003005

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 H04J11/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 H04J H04L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	US 2003/210674 A1 (HONKASALO Z. ET ALL) 13 November 2003 (2003-11-13) page 1, paragraph 13 page 2, paragraph 15 - paragraph 17 page 3, paragraph 36 page 6, paragraph 56 -----	1,3-6, 13,15-18 2,14
X	WO 01/11897 A (KOREA ADVANCED INSTITUTE OF SCIENCE AND TECHNOLOGY) 15 February 2001 (2001-02-15) page 6, line 9 - line 14 page 7, line 14 - line 20 page 8, line 19 - page 9, line 4 page 10, line 8 - line 19 page 11, line 16 - line 18 page 15, line 1 - line 5 page 35, line 4 - line 11 ----- -/--	1,3-6, 13,15-18

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

14 June 2005

Date of mailing of the international search report

23/06/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

M. García

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 22 JUN 2005

WIPO

PCT

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To:

see form PCT/ISA/220

11/8

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/US2005/003005

International filing date (day/month/year)
26.01.2005

Priority date (day/month/year)
29.01.2004

International Patent Classification (IPC) or both national classification and IPC
H04J11/00

Applicant
QUALCOMM INCORPORATED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1 (a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - Gitschiner Str. 103
D-10958 Berlin
Tel. +49 30 25901 - 0
Fax: +49 30 25901 - 840

Authorized Officer

M. García

Telephone No. +49 30 25901-479



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/003005

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 7-12, 19-30

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 7-12, 19-30 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for the whole application or for said claims Nos.
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- ☒ See separate sheet for further details

**WRITTEN OPINION OF THE
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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2, 14
	No: Claims	1, 3-6, 13, 15-18
Inventive step (IS)	Yes: Claims	
	No: Claims	1-6, 13-18
Industrial applicability (IA)	Yes: Claims	1-6, 13-18
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The application does not meet the requirements of Article 6 PCT, because **claims 7, 19 and 25** are not clear.
2. Although **claims 1 and 7** have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT. The same reasoning applies to the apparatus **claims 13, 19 and 25**.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US 2003/210674 A1 (HONKASALO Z. ET ALL) 13 November 2003 (2003-11-13)
D2: WO 01/11897 A (KOREA ADVANCED INSTITUTE OF SCIENCE AND TECHNOLOGY) 15 February 2001 (2001-02-15)
2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claims 1 and 13** is not new in the sense of Article 33(2) PCT.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):

A method for transmitting data in a code division multiple access (CDMA) communication network (p. 1, par. 13)

allocating a common Walsh code to a group of transceivers (p. 2, par. 16, ll. 19-22)

allocating a respective, different long code to each transceiver in the group (p. 2 par 16, ll. 3-5)

time-multiplexing transmission of the data to the transceivers in the group by applying the common Walsh code and the respective long code of each transceiver to data packets directed to the transceivers so as to form multiplexed data packets and transmitting the multiplexed data packets in sequence over the network to the group of transceivers (p. 3, par. 36).

The subject-matter of **claim 1** is therefore not new.

The same reasoning applies to the subject-matter of the corresponding independent apparatus **claim 13** which therefore is also considered not new.

For the sake of completeness, it is pointed out that the objection of lack of novelty set out above could also have been substantiated with document D2.

3. Dependent **claims 2-6 and 14-18** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and inventive step.

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>US 2003/231586 A1 (CHHEDA A. ET ALL) 18 December 2003 (2003-12-18) page 1, paragraph 2 page 4, paragraph 40 -----</p>	8

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

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Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2003210674 A1	13-11-2003	US 6584089 B1	24-06-2003
		US 6091717 A	18-07-2000
		BR 9801567 A	29-06-1999
		CN 1501646 A	02-06-2004
		CN 1199298 A ,C	18-11-1998
		EP 0877512 A2	11-11-1998
		JP 11004236 A	06-01-1999
		US 6094426 A	25-07-2000
WO 0111897 A	15-02-2001	KR 2001016948 A	05-03-2001
		AU 767200 B2	06-11-2003
		AU 6188800 A	05-03-2001
		CA 2381304 A1	15-02-2001
		CA 2494774 A1	15-02-2001
		CN 1369152 A	11-09-2002
		EP 1203468 A2	08-05-2002
		JP 2003506979 T	18-02-2003
		WO 0111897 A2	15-02-2001
US 2003231586 A1	18-12-2003	AU 2002366669 A1	23-06-2003
		EP 1459582 A2	22-09-2004
		WO 03051083 A2	19-06-2003